THE

TREATIES

BETWEEN

HIS MOST CHRISTIAN MAJESTY

AND THE

THIRTEEN UNITED STATES OF AMERICA.

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THE

TREATIES, &c.

TREATY *of* AMITY *and* COMMERCE.

LOUIS, *by the Grace of* GOD, King *of* France *and* Navarre, *to all who ſhall ſee theſe preſents, Greeting:*

THE Congreſs of the Thirteen United States of North-America having, by their plenipotentiaries reſiding at Paris, notified their deſire to eſtabliſh with us and our ſtates a good underſtanding and perfect correſpondence, and having for that purpoſe propoſed to conclude with us a Treaty of Amity and Commerce: *We having thought it our duty to give to the ſaid States a ſenſible proof of our affection, determining us to accept of their propoſals: For theſe cauſes, and other good conſiderations us thereunto moving, we, repoſing entire confidence in the abilities and experience, zeal and fidelity for our ſervice, of our dear and beloved* Conrad Alexander Gerard, *royal ſyndic of the city of Straſbourg, and ſecretary of our council of ſtate, have nominated, appointed, and commiſſioned, and by theſe preſents, ſigned with our hand, do nomi-*

nate, appoint, and commiſſion him our plenipotentiary, giving him power and ſpecial command for us and in our name, to agree upon, conclude and ſign with the plenipotentiaries of the united ſtates, equally furniſhed in due form with full powers, ſuch treaty, convention, and articles of commerce and navigation as he ſhall think proper; willing that he act with the ſame authority as we might or could act, if we were perſonally preſent, and even as though he had more ſpecial command than what is herein contained; promiſing in good faith, and on the word of a king, to agree to, confirm, and eſtabliſh for ever, and to accompliſh and execute punctually, all that our ſaid dear and beloved Conrad Alexander Gerard *ſhall ſtipulate and ſign, by virtue of the preſent power, without contravening it in any manner, or ſuffering it to be contravened for any cauſe, or under any pretext whatſoever; and alſo to ratify the ſame in due form, and cauſe our ratification to be delivered and exchanged in the time that ſhall be agreed on. For ſuch is our pleaſure. In teſtimony whereof we have hereunto ſet our ſeal. Done at Verſailles this thirtieth day of January, in the year of our Lord one thouſand ſeven hundred and ſeventy-eight, and the fourth year of our reign.*

(Signed)

(L. S.) LOUIS.

(Underneath) By the King.

GRAVIER de VERGENNES.

THE

THE

TREATY.

THE Moſt Chriſtian King, and the Thirteen United States of North-America, *to wit*, New-Hampſhire, Maſſachuſett's-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correſpondence and commerce which the two parties deſire to eſtabliſh between their reſpective countries, ſtates and ſubjects; his moſt chriſtian majeſty and the ſaid united ſtates have judged that the ſaid end could not be better obtained, than by taking for the baſis of their agreement the moſt perfect equality and reciprocity, and by carefully avoiding all thoſe burthenſome preferences which are uſually ſources of debate, embarraſſment, and diſcontent; by leaving alſo each party at li-

berty to make reſpecting navigation and commerce thoſe interior regulations which it ſhall find moſt convenient to itſelf, and by founding the advantage of commerce ſolely upon recipro.al utility, and the juſt rules of free intercourſe; reſerving withal to each party the liberty of admitting, at its pleaſure, other nations to a participation of the ſame advantages. It is in the ſpirit of this intention, and to fulfil theſe views, that his ſaid majeſty having named and appointed for his plenipotentiary *Conrad Alexander Gerard*, royal ſyndic of the city of Straſbourg, ſecretary of his majeſty's council of ſtate; and the united ſtates on their part having fully empowered *Benjamin Franklin*, deputy from the ſtate of Pennſylvania to the general congreſs, and preſident to the convention of the ſaid ſtate; *Silas Deane*, late deputy from the ſtate of Connecticut to the ſaid congreſs; and *Arthur Lee*, counſellor at law: The ſaid reſpective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

ART. I.

ARTICLE 1. THERE ſhall be a firm, inviolable and univerſal peace, and a true and ſincere friendſhip, between the moſt chriſtian king, his heirs and ſucceſſors, and the united ſtates of America, and the ſubjects of the moſt chriſtian king and of the ſaid ſtates, and between the countries, iſlands, cities and towns ſituate under the juriſdiction of the moſt chriſtian king and of the ſaid united ſtates, and the people and inhabitants of every degree, without exception of perſons or places, and the terms herein after mentioned ſhall be perpetual between the moſt chriſtian king, his heirs and ſucceſſors, and the ſaid united ſtates.

ART. 2. The moſt chriſtian king and the united ſtates engage mutually not to grant any particular favour to other nations, in reſpect of commerce and navigation, which ſhall not immediately become common to the other party, who ſhall enjoy the ſame favour freely, if the conceſſion was freely made, or on allowing the ſame compenſation, if the conceſſion was conditional.

ART. 3. The ſubjects of the moſt chriſtian

tian king ſhall pay in the ports, havens, roads, countries, iſlands, cities or towns of the united ſtates, or any of them, no other or greater duties or impoſts, of what nature ſoever they may be, or by what name ſoever called, than thoſe which the nations moſt favoured are or ſhall be obliged to pay; and they ſhall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in paſſing from one port in the ſaid ſtates to another, or in going to and from the ſame, from and to any part of the world, which the ſaid nations do or ſhall enjoy.

ART. 4. The ſubjects, people and inhabitants of the ſaid united ſtates, and each of them, ſhall not pay in the ports, havens, roads, iſlands, cities and places under the domination of his moſt chriſtian majeſty in Europe, any other or greater duties or impoſts, of what nature ſoever they may be, or by what name ſoever called, than thoſe which the moſt favoured nations are or ſhall be obliged to pay; and they ſhall enjoy all the

the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in paſſing from one port in the ſaid dominions in Europe to another, or in going to and from the ſame, from and to any part of the world, which the ſaid nations do or ſhall enjoy.

ART. 5. In the above exemption is particularly comprized the impoſition of one hundred ſous per ton, eſtabliſhed in France on foreign ſhips, unleſs when the ſhips of the united ſtates ſhall load with the merchandize of France, for another port of the ſaid dominions; in which caſe the ſhips ſhall pay the duty above mentioned, ſo long as other nations the moſt favoured ſhall be obliged to pay it; but it is underſtood, that the ſaid united ſtates, or any of them, are at liberty, when they ſhall judge it proper, to eſtabliſh a duty equivalent in the ſame caſe.

ART. 6. The moſt chriſtian king ſhall endeavour, by all the means in his power, to protect and defend all veſſels and the effects belonging to the ſubjects, people or inhabitants of the ſaid united ſtates, or any

any of them, being in his ports, havens or roads, or on the ſeas near his countries, iſlands, cities or towns; and to recover and reſtore to the right owners, their agents or attornies, all ſuch veſſels and effects which ſhall be taken within his juriſdiction; and the ſhips of war of his moſt chriſtian majeſty, or any convoy ſailing under his authority, ſhall upon all occaſions take under their protection all veſſels belonging to the ſubjects, people, or inhabitants of the ſaid united ſtates, or any of them, and holding the ſame courſe, or going the ſame way, and ſhall defend ſuch veſſels, as long as they hold the ſame courſe, or go the ſame way, againſt all attacks, force or violence, in the ſame manner as they ought to protect and defend the veſſels belonging to the ſubjects of the moſt chriſtian king.

ART. 7. In like manner the ſaid united ſtates, and their ſhips of war ſailing under their authority, ſhall protect and defend, conformably to the tenor of the preceding article, all the veſſels and effects belonging to the ſubjects of the moſt chriſtian king, and

and uſe all their endeavours to recover, and cauſe to be reſtored, the ſaid veſſels and effects that ſhall have been taken within the juriſdiction of the ſaid united ſtates, or any of them.

ART. 8. The moſt chriſtian king will employ his good offices and interpoſitions with the king or emperor of Morocco or Fez; the regencies of Algiers, Tunis and Tripoly, or with any of them; and alſo with every other prince, ſtate or power, of the coaſt of Barbary in Africa; and the ſubjects of the ſaid king, emperor, ſtates and powers, and each of them, in order to provide as fully and efficaciouſly as poſſible for the benefit, conveniency and ſafety of the ſaid united ſtates, and each of them, their ſubjects, people and inhabitants, and their veſſels and effects, againſt all violence, inſults, attacks of depredations, on the part of the ſaid princes and ſtates of Barbary, or their ſubjects.

ART. 9. The ſubjects, inhabitants, merchants, commanders of ſhips, maſters and mariners of the ſtates, provinces and dominions of each party reſpectively, ſhall abſtain

and forbear to fiſh in all places poſſeſſed by the other party; the moſt chriſtian king's ſubjects ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places, which the united ſtates hold, or ſhall hereafter hold; and in like manner the ſubjects, people and inhabitants of the united ſtates ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places, which the moſt chriſtian king poſſeſſes, or ſhall hereafter poſſeſs; and if any ſhip or veſſel ſhould be found fiſhing contrary to the tenor of this treaty, the ſaid ſhip or veſſel with its lading, (proof being made thereof) ſhall be confiſcated; it is however underſtood that the excluſion ſtipulated in the preſent article, ſhall take place only ſo long and ſo far as the moſt chriſtian king or the united ſtates ſhall not in this reſpect have granted an exemption to ſome other nation.

ART. 10. The united ſtates, their citizens and inhabitants, ſhall never diſturb the ſubjects of the moſt chriſtian king in the enjoyment andexerciſe of the right of fiſhing on the banks of Newfoundland, nor in the indefinite and excluſive right which belongs to them on that part of the coaſt of that iſland which

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is deſigned by the treaty of Utrecht, nor in the right relative to all and each of the iſles which belong to his moſt chriſtian majeſty, the whole conformable to the true ſenſe of the treaties of Utrecht and Paris.

ART. 11. The ſubjects and inhabitants of the ſaid united ſtates, or any of them, ſhall not be reputed *Aubains* in France, and conſequently ſhall be exempted from the *Droit d'Aubaine*, or other ſimilar duty, under what name ſoever: they may by teſtament, donation, or otherwiſe, diſpoſe of their goods, moveable and immoveable, in favour of ſuch perſons as to them ſhall ſeem good; and their heirs, ſubjects of the united ſtates, reſiding whether in France or elſewhere, may ſucceed them, *ab inteſtat*, without being obliged to obtain letters of naturalization, and without having the effect of this conceſſion conteſted or impeded, under pretext of any rights or prerogatives of provinces, cities, or private perſons; and the ſaid heirs, whether ſuch by particular title, or *ab inteſtat*, ſhall be exempted from the duty called *Droit de detraction*, or other duty of the ſame kind; ſaving

nevertheleſs the local rights or duties, as much and as long as ſimilar ones are not eſtabliſhed by the united ſtates, or any of them. The ſubjects of the moſt chriſtian king ſhall enjoy on their part, in all the dominions of the ſaid ſtates, an entire and perfect reciprocity, relative to the ſtipulations contained in the preſent article: But it is at the ſame time agreed, that its contents ſhall not affect the laws made, or that may be made hereafter in France, againſt emigrations, which ſhall remain in all their force and vigour; and the united ſtates, on their part, or any of them, ſhall be at liberty to enact ſuch laws, relative to that matter, as to them ſhall ſeem proper.

ART. 12. The merchant-ſhips of either of the parties, which ſhall be making into a port belonging to the enemy of the other ally, and concerning whoſe voyage and the ſpecies of goods on board her there ſhall be juſt grounds of ſuſpicion, ſhall be obliged to exhibit, as well upon the high ſeas as in the ports and havens, not only her paſſports, but likewiſe certificates, expreſsly ſhewing that her goods are not of the number of thoſe which have been prohibited as contraband.

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ART. 13. If, by exhibiting of the above-ſaid certificates, the other party diſcovers there are any of thoſe ſorts of goods which are prohibited and declared contraband, and conſigned for a port under the obedience of his enemy, it ſhall not be lawful to break up the hatches of ſuch ſhip, or to open any cheſt, coffers, packs, caſks, or any other veſſel found therein, or to remove the ſmalleſt parcel of her goods, whether ſuch ſhip belong to the ſubjects of France or the inhabitants of the ſaid united ſtates, unleſs the lading be brought on ſhore, in the preſence of the officers of the court of admiralty, and an inventory thereof made; but there ſhall be no allowance to ſell, exchange, or alienate the ſame in any manner, until that after due and lawful proceſs ſhall have been had againſt ſuch prohibited goods, and the court of admiralty ſhall, by a ſentence pronounced, have confiſcated the ſame, ſaving always as well the ſhip itſelf, as any other goods found therein, which by this treaty are to be eſteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much leſs ſhall they be

be confiſcated as lawful prize; but if not the whole cargo, but only part thereof ſhall conſiſt of prohibited and contraband goods, and the commander of the ſhip ſhall be ready and willing to deliver them to the captor who has diſcovered them, in ſuch caſe the captor having received thoſe goods, ſhall forthwith diſcharge the ſhip, and not hinder her by any means freely to proſecute the voyage on which ſhe was bound. But in caſe the contraband merchandizes cannot be all received on board the veſſel of the captor, then the captor may, notwithſtanding the offer of delivering him the contraband goods, carry the veſſel into the neareſt port, agreeable to what is above directed.

ART. 14. On the contrary, it is agreed, that whatever ſhall be found to be laden by the ſubjects and inhabitants of either party, or any ſhip belonging to the enemies of the other, or to their ſubjects, the whole, although it be not of the ſort of prohibited goods, may be confiſcated in the ſame manner as if it belonged to the enemy, except ſuch goods and merchandize as were put on board

board ſuch ſhip before the declaration of war, or even after ſuch declaration, if ſo be it were done without knowledge of ſuch declaration; ſo that the goods of the ſubjects and people of either party, whether they be of the nature of ſuch as are prohibited or otherwiſe, which, as is aforeſaid, were put on board any ſhip belonging to an enemy before the war, or after the declaration of the ſame, without the knowledge of it, ſhall no ways be liable to confiſcation, but ſhall well and truly be reſtored without delay to the proprietors dēmanding the ſame; but ſo as that if the ſaid merchandizes be contraband, it ſhall not be any ways lawful to carry them afterwards to any port belonging to the enemy. The two contracting parties agree, that the term of two months being paſſed after the declaration of war, their reſpective ſubjects, from whatever part of the world they come, ſhall not plead the ignorance mentioned in this article.

ART. 15. And that more effectual care may be taken for the ſecurity of the ſubjects and inhabitants of both parties, that they ſuffer

ſuffer no injury by the men of war or privateers of the other party, all the commanders of the ſhips of his moſt chriſtian majeſty and of the ſaid united ſtates, and all their ſubjects and inhabitants, ſhall be forbid doing any injury or damage to the other ſide; and if they act to the contrary they ſhall be puniſhed, and ſhall moreover be bound to make ſatisfaction for all matter of damage, and the intereſt thereof, by reparation, under the pain and obligation of their perſons and goods.

ART. 16. All ſhips and merchandize of what nature ſoever, which ſhall be reſcued out of the hands of any pirates or robbers on the high ſeas, ſhall be brought into ſome port of either ſtate, and ſhall be delivered to the cuſtody of the officers of that port, in order to be reſtored entire to the true proprietor, as ſoon as due and ſufficient proof ſhall be made concerning the property thereof.

ART. 17. It ſhall be lawful for the ſhips of war of either party, and privateers, freely to carry whitherſoever they pleaſe the ſhips and goods taken from their enemies, without being obliged to pay any duty to the officers of the

the admiralty, or any other judges; nor ſhall ſuch prizes be arreſted or ſeized when they come to and enter the port of each party; nor ſhall the ſearchers or other officers of thoſe places ſearch the ſame, or make examination concerning the lawfulneſs of ſuch prizes; but they may hoiſt ſail at any time, and depart, and carry their prizes to the places expreſſed in their commiſſions, which the commanders of ſuch ſhips of war ſhall be obliged to ſhew. On the contrary, no ſhelter or refuge ſhall be given in their ports to ſuch as ſhall have made prizes of the ſubjects, people, or property of either of the parties; but if ſuch ſhall come in, being forced by ſtreſs of weather, or the danger of the ſea, all proper means ſhall be vigorouſly uſed, that they go out and retire from thence as ſoon as poſſible.

ART. 18. If any ſhip belonging to either of the parties, their people, or ſubjects, ſhall within the coaſts or dominions of the other, ſtick upon the ſands, or be wrecked or ſuffer any other damage, all friendly aſſiſtance and relief ſhall be given to the perſons ſhip-

wrecked, or ſuch as ſhall be in danger thereof. And letters of ſafe-conduct ſhall likewiſe be given to them for their free and quiet paſſage from thence, and the return of every one to his own country.

ART. 19. In caſe the ſubjects and inhabitants of either party, with their ſhipping, whether public and of war, or private and of merchants, be forced through ſtreſs of weather, purſuit of pirates, or any other urgent neceſſity, for ſeeking of ſhelter and harbour, to retreat into any of the rivers, bays, roads, or ports belonging to the other party, they ſhall be received and treated with all humanity and kindneſs, and enjoy all friendly protection and help; and they ſhall be permitted to refreſh and provide themſelves at reaſonable rates with victuals and all things needful for the ſuſtenance of their perſons, or reparation of their ſhips, and conveniency of their voyage, and they ſhall no ways be detained or hindered from returning out of the ſaid ports or roads, but may remove and depart when and whither they pleaſe, without any let or hindrance.

ART. 20. For the better promoting of commerce on both ſides, it is agreed, that if a war ſhould break out between the ſaid two nations, ſix months after the proclamation of war ſhall be allowed to the merchants in the cities and towns where they live, for ſelling and tranſporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term, by either party, or the people or ſubjects of either, full ſatisfaction ſhall be made for the ſame.

ART. 21. No ſubject of the moſt chriſtian king ſhall apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips to act as privateers againſt the ſaid united ſtates or any of them, or againſt the ſubjects, people, or inhabitants of the ſaid united ſtates or any of them, or againſt the property of any of the inhabitants of any of them, from any prince or ſtate with which the united ſtates ſhall be at war; nor ſhall any citizen, ſubject, or inhabitant of the ſaid united ſtates, or any of them, apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips to act as privateers againſt the ſubjects of the

moſt chriſtian king, or any of them, or the property of any of the inhabitants of any of them, from any prince or ſtate with which the united ſtates ſhall be at war; nor ſhall any citizen, ſubject, or inhabitant of the ſaid united ſtates, or any of them, apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips to act as privateers againſt the ſubjects of the moſt chriſtian king, or any of them, or the property of any of them, from any prince or ſtate with which the ſaid king ſhall be at war; and if any perſon of either nation ſhall take ſuch commiſſion or letters of marque, he ſhall be puniſhed as a pirate.

ART. 22. It ſhall not be lawful for any foreign privateers, not belonging to the ſubjects of the moſt chriſtian king, nor citizens of the ſaid united ſtates, who have commiſſion from any other prince or ſtate at enmity with either nation, to fit their ſhips in the ports of either the one or the other of the aforeſaid parties, to ſell what they have taken, or in any other manner whatſoever to exchange their ſhips, merchandizes, or any other lading; neither ſhall they be allowed either

either to purchaſe victuals, except ſuch as ſhall be neceſſary for their going to the next port of that prince or ſtate from which they have commiſſions.

ART. 23. It ſhall be lawful for all and ſingular the ſubjects of the moſt chriſtian king, and the citizens, people, and inhabitants of the ſaid united ſtates, to ſail with their ſhips with all manner of liberty and ſecurity, no diſtinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of thoſe who now are or hereafter ſhall be at enmity with the moſt chriſtian king or the united ſtates. It ſhall likewiſe be lawful for the ſubjects and inhabitants aforeſaid, to ſail with the ſhips and merchandizes aforementioned, and to trade with the ſame liberty and ſecurity from the places, ports, and havens of thoſe who are enemies of both or either party, without any oppoſition or diſturbance whatſoever, not only directly from the places of the enemy aforementioned to neutral places, but alſo from one place belonging to an enemy to another place belonging to an enemy, whether they be under the

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juriſdiction of the ſame prince or under ſeveral. And it is hereby ſtipulated, that free ſhips ſhall alſo have a freedom to goods, and that every thing ſhall be counted free and exempt which ſhall be found on board the ſhips belonging to the ſubjects of either of the confederates, although the whole lading or any part thereof ſhould appertain to the enemies of either, contraband goods being always excepted. It is alſo agreed in like manner, that the ſame liberty be extended to perſons who are on board a free ſhip, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ſhip, unleſs they are ſoldiers and in actual ſervice of the enemies.

ART. 24. This liberty of navigation and commerce ſhall extend to all kinds of merchandizes, except thoſe only which are diſtinguiſhed by the name of contraband; and under this name of contraband or prohibited goods ſhall be comprehended arms, great guns, bombs with their fuſes and other things belonging to them, cannon ball, gunpowder, match, pikes, ſwords, lances, ſpears, halberds, mortars, petards, grenadoes, ſaltpetre,

petre, muſkets, muſket-ball, bucklers, helmets, breaſt-plates, coats of mail, and the like kinds of arms proper for arming ſoldiers, muſket reſts, belts, horſes with their furniture, and all other warlike inſtruments whatever. Theſe merchandizes which follow ſhall not be reckoned among contraband or prohibited goods; that is to ſay, all ſorts of clothes, and all other manufactures woven of any wool, flax, ſilk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the ſpecies whereof they are uſed to be made, gold and ſilver, as well coined as uncoined, tin, iron, latten, copper, braſs, coals; as alſo wheat and barley, and any other kind of corn or pulſe, tobacco, and likewiſe all manner of ſpices, ſalted and ſmoaked fleſh, ſalted fiſh, cheeſe and butter, beer, oils, wines, ſugars, and all ſorts of ſalts, and in general all proviſions which ſerve for the nouriſhment of mankind and the ſuſtenance of life: furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, ſails, ſail-cloth, anchors, and any parts of anchors, alſo ſhips maſts, planks,

boards

boards and beams of what trees ſoever, and all other things proper either for building or repairing ſhips, and all other goods whatever which have not been worked into the form of any inſtrument or thing prepared for war by land or ſea, ſhall not be reputed contraband, much leſs ſuch as have been already wrought up for any other uſe; all of which ſhall be wholly reckoned among free goods; as likewiſe all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods, for that they may be tranſported and carried in the freeſt manner by the ſubjects of both confederates even to places belonging to an enemy, ſuch towns or places being only excepted as are at that time beſieged, blocked up or inveſted.

Art. 25. To the end that all manner of diſſentions and quarrels may be avoided and prevented on one ſide and the other, it is agreed that in caſe either of the parties hereto ſhould be engaged in war, the ſhips and veſſels belonging to the ſubjects or people of the other ally muſt be furniſhed with ſea letters

letters or paſſports, expreſſing the name, property and bulk of the ſhip, as alſo the name and place of habitation of the maſter or commander of the ſaid ſhip, that it may appear thereby that the ſhip really and truly belongs to the ſubjects of one of the parties, which paſſport ſhall be made out and granted according to the form annexed to this treaty; they ſhall likewiſe be recalled every year, that is, if the ſhip happens to return home within the ſpace of a year: it is likewiſe agreed, that ſuch ſhips being laden are to be provided not only with paſſports as above mentioned, but alſo with certificates, containing the ſeveral particulars of the cargo, the place whence the ſhip ſailed, and whither ſhe is bound, that ſo it may be known whether any forbidden or contraband goods be on board of the ſame, which certificates ſhall be made out by the officers of the place whence the ſhip ſet ſail, in the accuſtomed form; and if any one ſhall think it fit or adviſable to expreſs in the ſaid certificates the perſon to whom the goods on board belong, he may freely do ſo.

ART. 26. The ſhips of the ſubjects and inhabitants of either of the parties coming upon any coaſt belonging to either of the ſaid allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they ſhall be treated according to the general rules preſcribed or to be preſcribed relative to the object in queſtion.

ART. 27. If the ſhips of the ſaid ſubjects, people or inhabitants of either of the parties ſhall be met with, either ſailing along the coaſts or on the high ſeas, by any ſhip of war of the other, or by any privateers, the ſaid ſhips of war or privateers, for the avoiding of any diſorder, ſhall remain out of cannon ſhot, and may ſend their boats on board the merchant ſhip which they ſhall meet with, and may enter her to the number of two or three men only, to whom the maſter or commander of ſuch ſhips or veſſels ſhall exhibit his paſſport concerning the property of the ſhip, made out according to the form inſerted in this preſent treaty; and the ſhip, when ſhe ſhall have ſhewed ſuch paſſport, ſhall be free and at liberty to purſue her voyage,

voyage, ſo as it ſhall not be lawful to moleſt or ſearch in any manner, or to give her chaſe, or to force her to quit her intended courſe.

ART. 28. It is alſo agreed, that all goods, when once put on board the ſhips or veſſels of either of the two contracting parties, ſhall be ſubject to no further viſitation, but all viſitation or ſearch ſhall be made before-hand, and all prohibited goods ſhall be ſtopped on the ſpot before the ſame be put on board, unleſs there are manifeſt tokens or proofs of fraudulent practice; nor ſhall either the perſons or goods of the ſubjects of his moſt chriſtian majeſty, or the united ſtates, be put under an arreſt or moleſted by any other kind of embargo for that cauſe, and only the ſubject of that ſtate to whom the ſaid goods have been or ſhall be prohibited, and who ſhall preſume to ſell or alienate ſuch ſort of goods, ſhall be duly puniſhed for the offence.

ART. 29. The two contracting parties grant mutually the liberty of having each in the ports of the other conſuls, vice-conſuls, agents and commiſſaries, whoſe functions ſhall be regulated by a particular agreement.

ART. 30. And the more to favour and facilitate the commerce which the ſubjects of the united ſtates may have with France, the moſt chriſtian king will grant them in Europe one or more free ports, where they may bring and diſpoſe of all the produce and merchandize of the thirteen united ſtates; and his majeſty will alſo continue to the ſubjects of the ſaid ſtates, the free ports which have been and are open in the French iſlands of America, of all of which free ports the ſaid ſubjects of the united ſtates ſhall enjoy the uſe, agreeable to the regulations which relate to them.

ART. 31. The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner, if poſſible.

IN FAITH WHEREOF the reſpective plenipotentiaries have ſigned the above articles both in the French and Engliſh languages; declaring, nevertheleſs, that the preſent treaty was originally compoſed and con-

concluded in the French language, and they have thereunto affixed their ſeals.

DONE at PARIS, *this Sixth Day of February, One Thouſand Seven Hundred and Seventy-Eight.*

(L. S.) *C. A. GERARD.*

(L. S.) *B. FRANKLIN.*

(L. S.) *SILAS DEANE.*

(L. S.) *ARTHUR LEE.*

Form of the Paſſports and Letters which are to be given to the Ships and Barques according to the Twenty-fifth Article of this Treaty.

To all who ſhall ſee theſe preſents, Greeting.

IT is hereby made known, that leave and permiſſion has been given to

maſter and commander of the ſhip called

of the town of

burthen tons or thereabouts, lying at preſent in the port and haven of

and bound for and laden with

After that this ſhip has been viſited, and before ſailing, he ſhall make oath before the officers who have the juriſ-

jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of the act whereof shall be put at the end of these presents; as likewise that he will keep and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew his present leave to the officers and judge of the marine; and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms and ensigns of the united states during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by at the day of Anno Domini

TREATY OF ALLIANCE,

EVENTUAL and DEFENSIVE.

LOUIS, *by the Grace of* GOD, King *of* France *and* Navarre,

To all who ſhall ſee theſe preſents, Greeting:

THE *Congreſs of the United States of North-America having by their plenipotentiaries reſiding in France, propoſed to form with us a defenſive and eventual alliance: Willing to give the ſaid ſtates an efficacious proof of the intereſt we take in their proſperity, we have determined to conclude the ſaid alliance. For theſe cauſes, and other good conſiderations thereto moving, we, repoſing entire confidence in the capacity and experience, zeal and fidelity for our ſervice, of our dear and beloved* Conrad Alexander Gerard, *royal ſyndic of the city of Straſbourg, ſecretary of our council of ſtate, have nominated, commiſſioned and deputed, and by theſe preſents, ſigned with our hand, do nominate, commiſſion and depute him our plenipotentiary, giving him power and ſpecial command to act in this quality, and confer, negociate, treat and agree conjointly with the abovementioned plenipo-*

plenipotentiaries of the united ſtates, inveſted in the like manner with powers in due form to determine, conclude and ſign ſuch articles, conventions, declarations, definitive treaty, and any other acts whatever, as he ſhall judge proper to anſwer the end which we propoſe; promiſing on the faith and word of a king, to agree to, confirm and eſtabliſh for ever, to accompliſh and execute punctually, whatever our ſaid dear and beloved Conrad Alexander Gerard *ſhall have ſtipulated and ſigned in virtue of the preſent power, without ever contravening it, or ſuffering it to be contravened for any cauſe and under any pretext whatever, as likewiſe to cauſe our letters of ratification to be made in due form, and to have them delivered in order to be exchanged at the time that ſhall be agreed upon. For ſuch is our pleaſure. In teſtimony whereof we have ſet our ſeal to theſe preſents. Given at Verſailles, the thirtieth day of the month January, in the year of grace one thouſand ſeven hundred and ſeventy-eight, and the fourth of our reign.*

(Signed)

(L. S.) LOUIS.

By the King.

GRAVIER de VERGENNES.

THE

THE

TREATY.

THE Moſt Chriſtian King and the United States of North America, *to wit*, New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New York, New Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, and Georgia, having this day concluded a Treaty of Amity and Commerce, for the reciprocal advantage of their ſubjects and citizens, have thought it neceſſary to take into conſideration the means of ſtrengthening thoſe engagements, and of rendering them uſeful to the ſafety and tranquility of the two parties; particularly in caſe Great Britain, in reſentment of that connection, and of the good correſpondence which is the object of the ſaid treaty, ſhould break the peace with France, either by direct hoſtilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace ſubſiſting between the two crowns.

And his majeſty and the ſaid united ſtates having reſolved in that caſe to join their councils and efforts againſt the enterprizes of their common enemy;

The reſpective plenipotentiaries impowered to concert the clauſes and conditions proper to fulfil the ſaid intentions, have, after the moſt mature deliberation, concluded and determined on the following articles.

ARTICLE 1. IF war ſhould break out between France and Great-Britain during the continuance of the preſent war between the united ſtates and England, his majeſty and the ſaid united ſtates ſhall make it a common cauſe, and aid each other mutually with their good offices, their counſels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ART. 2. The eſſential and direct end of the preſent defenſive alliance is, to maintain effectually the liberty, ſovereignty, and independence, abſolute and unlimited, of the ſaid united ſtates, as well in matters of government as of commerce.

ART. 3. The two contracting parties ſhall, each on its own part, and in the manner it may judge moſt proper, make all the efforts in its power againſt their common enemy, in order to attain the end propoſed.

ART. 4. The contracting parties agree, that in caſe either of them ſhould form any particular enterprize in which the concurrence of the other may be deſired, the party whoſe concurrence is deſired, ſhall readily and with good faith join to act in concert for that purpoſe, as far as circumſtances and its own particular ſituation will permit; and in that caſe, they ſhall regulate by a particular convention, the quantity and kind of ſuccour to be furniſhed, and the time and manner of its being brought into action, as well as the advantages which are to be its compenſation.

ART. 5. If the united ſtates ſhould think fit to attempt the reduction of the Britiſh power remaining in the northern parts of America, or the iſlands of Bermudas, thoſe countries or iſlands, in caſe of ſucceſs, ſhall be confederated with, or dependent upon, the ſaid united ſtates.

ART. 6. The moſt chriſtian king renounces for ever the poſſeſſion of the iſlands of Bermudas, as well as of any part of the continent of North-America, which before the treaty of Paris, in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great-Britain, or to the united ſtates, heretofore called Britiſh colonies, or which are at this time, or have lately been, under the power of the king and crown of Great-Britain.

ART. 7. If his moſt chriſtian majeſty ſhall think proper to attack any of the iſlands ſituated in the Gulph of Mexico, or near that gulph, which are at preſent under the power of Great-Britain, all the ſaid iſles, in caſe of ſucceſs, ſhall appertain to the crown of France.

ART. 8. Neither of the two parties ſhall conclude either truce or peace with Great-Britain, without the formal conſent of the other firſt obtained; and they mutually engage not to lay down their arms, until the independence of the united ſtates ſhall have been

been formally or tacitly aſſured, by the treaty or treaties that ſhall terminate the war.

ART. 9. The contracting parties declare, that being reſolved to fulfil each on its own part, the clauſes and conditions of the preſent treaty of alliance, according to its own power and circumſtances, there ſhall be no after-claim of compenſation, on one ſide or the other, whatever may be the event of the war.

ART. 10. The moſt chriſtian king and the united ſtates agree to invite or admit other powers, who may have received injuries from England, to make common cauſe with them, and to accede to the preſent alliance, under ſuch conditions as ſhall be freely agreed to, and ſettled between all the parties.

ART. 11. The two parties guarantee mutually from the preſent time and for ever, againſt all other powers, *to wit*, the united ſtates to his moſt chriſtian majeſty, the preſent poſſeſſions of the crown of France in America, as well as thoſe which it may acquire by the future treaty of peace; and his moſt

moſt chriſtian majeſty guarantees on his part to the united ſtates, their liberty, ſovereignty, and independence, abſolute and unlimited, as well in matters of government as commerce, and alſo their poſſeſſions, and the additions or conqueſts that their confederation may obtain during the war, from any of the dominions now or hereafter poſſeſſed by Great-Britain in North-America, conformable to the 5th and 6th articles above written; the whole as their poſſeſſion ſhall be fixed and aſſured to the ſaid ſtates, at the moment of the ceſſation of their preſent war with England.

ART. 12. In order to fix more preciſely the ſenſe and application of the preceding article, the contracting parties declare, that in caſe of a rupture between France and England, the reciprocal guarantee declared in the ſaid article ſhall have its full force and effect, the moment ſuch war ſhall break out; and if ſuch rupture ſhall not take place, the mutual obligation of the ſaid guarantee ſhall not commence until the moment of the ceſſation of the preſent war, between the united

united ſtates and England, ſhall have aſcertained their poſſeſſions.

ART. 13. The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner, if poſſible.

IN FAITH WHEREOF the reſpective plenipotentiaries, *to wit*, on the part of the moſt chriſtian king, *Conrad Alexander Gerard*, royal ſyndic of the city of Straſbourg, and ſecretary of his majeſty's council of ſtate; and on the part of the united ſtates, *Benjamin Franklin*, deputy to the general congreſs from the ſtate of Pennſylvania, and preſident of the convention of ſaid ſtate; *Silas Deane*, heretofore deputy from the ſtate of Connecticut; and *Arthur Lee*, counſellor at law, have ſigned the above articles both in the French and Engliſh languages; declaring, nevertheleſs, that the preſent treaty was originally compoſed and concluded in the French language, and they have hereunto affixed their ſeals.

DONE

DONE at PARIS, *this sixth day of February, one thousand seven hundred and seventy-eight.*

(L. S.) C. A. GERARD.
(L. S.) B. FRANKLIN.
(L. S.) SILAS DEANE.
(L. S.) ARTHUR LEE.

FINIS.